

APPEAL NO. 030799
FILED MAY 27, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 2, 2003. The hearing officer resolved the disputed issues by deciding that the appellant's (claimant) compensable injury of _____, does not extend to and include nerve damage to the claimant's right hand; that the claimant had disability from January 9, 2002, through March 11, 2002; and that the claimant did not have disability from March 12, 2002, through January 2, 2003. The claimant appealed the hearing officer's determinations on the disputed issues of the extent of the compensable injury and disability, and the respondent (carrier) responded. In Texas Workers' Compensation Commission Appeal No. 030177, decided February 7, 2003, the Appeals Panel reversed the hearing officer's decision and remanded the case to the hearing officer because the hearing officer had incorrectly identified the claimant's compensable injury as a fracture to the left ring finger. The remand was for the hearing officer to correctly identify the claimant's injury; to further consider the evidence; and to make findings of fact, conclusions of law, and a decision on the "disputed issues."

In the decision on remand, the hearing officer noted that he had made a clerical error in his original decision when he identified the injury as a fracture of the left ring finger, and that all of the evidence that was considered in rendering the original decision was based on the correct understanding that the compensable injury was to the claimant's right ring finger. In the decision on remand, the hearing officer determined that the compensable injury to the claimant's right ring finger does not extend to and include nerve damage to the claimant's right hand. The hearing officer made no determination on the disability issue in his decision on remand. However, the parties construe the hearing officer's decision on remand as having made the same determination on the disability issue as he made in his original decision because the claimant contends that the hearing officer erred in concluding that the compensable injury does not extend to and include nerve damage to the claimant's right hand and that the claimant has not had disability from March 12, 2002, through January 2, 2003, and the carrier requests that we affirm those determinations. Because Section 410.203(c) limits the Appeals Panel to one remand, and because there is no indication that the hearing officer changed his determination on the disability issue, we will consider for purposes of this appeal that the hearing officer's decision on remand intended to incorporate his prior determination on the disability issue, although the decision on remand does not expressly so state.

DECISION

Affirmed.

Conflicting evidence was presented on the disputed issues. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As

the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established from the evidence presented. Although there is conflicting evidence in this case, we conclude that the hearing officer's determinations that the compensable injury does not extend to and include nerve damage to the claimant's right hand; that the claimant had disability from January 9, 2002, through March 11, 2002; and that the claimant did not have disability from March 12, 2002, through January 2, 2003, are supported by sufficient evidence and are not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **SOUTHERN VANGUARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**BRUCE ROBERT MILLIGAN
2727 TURTLE CREEK BLVD
DALLAS, TEXAS 75266-0560.**

Robert W. Potts
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Veronica Lopez
Appeals Judge